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8
9 **BEFORE THE**
BOARD OF REGISTERED NURSING
10 **DEPARTMENT OF CONSUMER AFFAIRS**
STATE OF CALIFORNIA
11

12 In the Matter of the Statement of Issues
13 Against:

Case No. *2013-287*

STATEMENT OF ISSUES

14 **JAMIE LYN RATERINK**

15 Applicant for Registered Nurse License

16 Respondent.

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20 Louise R. Bailey, M.Ed., RN ("Complainant") alleges:

21 **PARTIES**

22 1. Complainant brings this Statement of Issues solely in her official capacity as the
23 Executive Officer of the Board of Registered Nursing, Department of Consumer Affairs
24 ("Board").

25 2. On or about December 17, 2010, the Board received an Application for Licensure by
26 Endorsement from Jamie Lyn Raterink ("Respondent"). On or about December 15, 2010,
27 Respondent certified under penalty of perjury to the truthfulness of all statements, answers, and
28 representations in the application. The Board denied the application on March 29, 2011.

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1 (f) Conviction of a felony or of any offense substantially related to the
2 qualifications, functions, and duties of a registered nurse, in which event the record of
the conviction shall be conclusive evidence thereof.

3 6. Code section 2762 states, in pertinent part:

4 In addition to other acts constituting unprofessional conduct within the meaning
5 of this chapter [the Nursing Practice Act], it is unprofessional conduct for a person
licensed under this chapter to do any of the following:

6 (b) Use . . . alcoholic beverages, to an extent or in a manner dangerous or
7 injurious to . . . herself, any other person, or the public or to the extent that such use
8 impairs . . . her ability to conduct with safety to the public the practice authorized by .
.. her license.

9 (c) Be convicted of a criminal offense involving the prescription, consumption,
10 or self-administration of any of the substances described in subdivisions (a) and (b) of
this section, or the possession of, or falsification of a record pertaining to, the
11 substances described in subdivision (a) of this section, in which event the record of
the conviction is conclusive evidence thereof.

12 **FIRST CAUSE FOR DENIAL OF APPLICATION**

13 **(Conviction of Crimes)**

14 7. Respondent's application is subject to denial under Code sections 2761, subdivision
15 (f), and 480, subdivision (a)(1), in that she was convicted of the following crimes that are
16 substantially related to the qualifications, functions or duties of the license for which Respondent
17 is applying:

18 a. On or about March 2, 2010, in the case of *People v. Jamie Lyn Raterink*, 58th
19 Judicial District Court, State of Michigan, Case No. HU-09-083982-OD, Respondent was
20 convicted by the court on her plea of guilty of violating Michigan Vehicle Code section 257.625
21 (operating a vehicle while intoxicated). The circumstances of the crime were that on or about
22 November 22, 2009, Respondent drove a motor vehicle with a blood alcohol level of .13%.

23 b. On or about April 18, 2004, in the case of *People v. Jamie Lyn Raterink*, 58th
24 Judicial District Court, State of Michigan, Case No. HU-04-010224-SM, Respondent was
25 convicted by the court on her plea of guilty of violating Liquor Control Code section 436.17031A
26 (minor in possession of alcohol).

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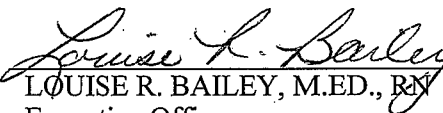
1 constitute grounds for discipline under Code sections: 2761, subdivision (f) (conviction of a crime
2 substantially related to the qualifications, functions or duties of a license holder), as set forth in
3 paragraphs 7.a and 7.b, above; 2762, subdivision (b) (convicted of a crime involving the
4 consumption of alcohol), as set forth in paragraph 7.b, above; and 2762, subdivision (c) (used
5 alcoholic beverages to an extent or in a manner dangerous or injurious to herself and the public),
6 as set forth in paragraph 7.b, above; and 2761, subdivision (a)(4) (out of state discipline), as set
7 forth in paragraph 8, above.

8 **PRAYER**

9 **WHEREFORE**, Complainant requests that a hearing be held on the matters herein alleged,
10 and that following the hearing, the Board of Registered Nursing issue a decision:

- 11 1. Denying the application of Jamie Lyn Raterink for a Registered Nurse License by
12 Endorsement; and,
13 2. Taking such other and further action as deemed necessary and proper.
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16 DATED: OCTOBER 12, 2012


LOUISE R. BAILEY, M.ED., RN
Executive Officer
Board of Registered Nursing
State of California
Complainant

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EXHIBIT A

STATE OF FLORIDA
BOARD OF NURSING

Final Order No. DOH-11-3077-^{Fol}MQA
FILED DATE - 12-19-11
Department of Health
By: [Signature]
Deputy Agency Clerk

DEPARTMENT OF HEALTH,

Petitioner,

vs.

Case No.: 2011-01193

License No.: RN 9315930

JAMIE LYN RATERINK,

Respondent.

FINAL ORDER

This matter appeared before the Board of Nursing at a duly-noticed public meeting on December 1, 2011 in Dania, Florida, for a hearing not involving disputed issues of material fact pursuant to Respondent's Election of Rights requesting a hearing pursuant to Sections 120.569 and 120.57(2), Florida Statutes. Petitioner has filed an Administrative Complaint seeking disciplinary action against the license. A copy of the Administrative Complaint is attached to and made a part of this Final Order. Petitioner was represented by Casey Cowan, Assistant General Counsel, Florida Department of Health. Respondent was present.

FINDINGS OF FACT

Therefore, the Board adopts as its finding of facts the facts alleged in the Administrative Complaint.

CONCLUSIONS OF LAW

Based upon the Findings of Fact, the Board concludes the licensee has violated Section 456.072(1)(g), Florida Statutes.

The Board is empowered by Sections 464.018(2) and 456.072(2), Florida Statutes, to impose a penalty against the licensee. Therefore it is ORDERED that:

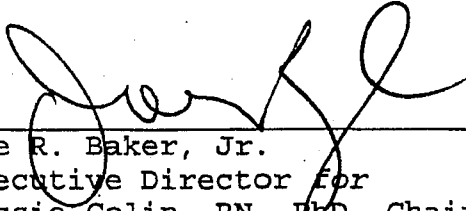
The licensee must pay investigative costs of \$57.62 within 60 days. Payment shall be made to the Board of Nursing and mailed to, DOH-Compliance Management Unit, 4052 Bald Cypress Way, Bin C-06 Tallahassee, Florida 32399-3276, Attention: Nursing Compliance Officer. Payment must be made by cashier's check or money order ONLY. Personal checks will not be accepted.

The license of JAMIE LYN RATERINK is permanently revoked.

This Final Order shall become effective upon filing with the Clerk of the Department of Health.

DONE AND ORDERED this 19th day of Dec, 2011.

BOARD OF NURSING



Joe R. Baker, Jr.
Executive Director for
Jessie Colin, RN, PhD, Chair

NOTICE OF APPEAL RIGHTS

Pursuant to Section 120.569, Florida Statutes, the parties are hereby notified that they may appeal this Final Order by

filing one copy of a notice of appeal with the clerk of the department and by filing a filing fee and one copy of a notice of appeal with the District Court of Appeal within thirty days of the date this Final Order is filed.

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a true and correct copy of the foregoing has been furnished by U.S. Mail and certified mail, return receipt requested to JAMIE LYN RATERINK, 10740 Bridgewater Drive, Zeeland MI 49464; by interoffice mail to Lee Ann Gustafson, Assistant Attorney General, PL-01, The Capitol, Tallahassee, Florida 32399-1050; and Casey Cowan, Assistant General Counsel, Department of Health, 4052 Bald Cypress Way, Bin # C-65, Tallahassee, Florida 32399-3265 on this 19th day of Dec., 2011.

Angie Sanders

Deputy Agency Clerk

7009 3410 0001 4584 5317



**STATE OF FLORIDA
DEPARTMENT OF HEALTH**

DEPARTMENT OF HEALTH,

PETITIONER,

v.

CASE NO. 2011-01193

JAMIE LYN RATERINK, R.N.,

RESPONDENT.

ADMINISTRATIVE COMPLAINT

COMES NOW, Petitioner, Department of Health, by and through its undersigned counsel, and files this Administrative Complaint before the Board of Nursing against Respondent, Jamie Lyn Raterink, R.N., and in support thereof alleges:

1. Petitioner is the state department charged with regulating the practice of nursing pursuant to Section 20.43, Florida Statutes; Chapter 456, Florida Statutes; and Chapter 464, Florida Statutes.

2. At all times material to this Administrative Complaint, Respondent was a licensed registered nurse (R.N.) within the state of Florida, having been issued license number RN 9315930.

3. Respondent's address of record is 10740 Bridgewater Drive, Zeeland, Michigan 49464.

4. On or about October 19, 2010, the Board of Nursing filed a Notice of Intent to Approve with Conditions.

5. The Notice of Intent to Approve with Conditions required Respondent to sign an advocacy contract with the Intervention Project for Nurses (IPN).

6. IPN is the impaired practitioner program for the Board of Nursing, pursuant to Section 456.076, Florida Statutes. IPN is an independent program that monitors the evaluation, care and treatment of impaired nurses. IPN oversees random drug screens and provides for the exchange of information between treatment providers, evaluators and the Department for the protection of the public.

7. Respondent failed to sign an advocacy contract with IPN.

8. Section 456.072(1)(q), Florida Statutes (2010), provides that violating a lawful order of the department or the board, or failing to comply with a lawfully issued subpoena of the department constitutes grounds for disciplinary action.

9. Respondent is licensed pursuant to Chapter 464, Florida Statutes, and is a health care practitioner as defined in Section 456.001(4), Florida Statutes (2010).

10. As set forth above, Respondent violated a lawful order of the department or the board by failing to sign an advocacy contract with IPN.

11. Based on the foregoing, Respondent has violated Section 456.072(1)(q), Florida Statutes (2010), by violating a lawful order of the department or board, or failing to comply with a lawfully issued subpoena of the department.

WHEREFORE, the Petitioner respectfully requests that the Board of Nursing enter an order imposing one or more of the following penalties: permanent revocation or suspension of Respondent's license, restriction of practice, imposition of an administrative fine, issuance of a reprimand, placement of the Respondent on probation, corrective action, refund of fees billed or collected, remedial education and/or any other relief that the Board deems appropriate.

SIGNED this 27th day of May, 2011.

H. Frank Farmer, Jr., M.D., Ph.D.
State Surgeon General

Casey L. Cowan
Casey L. Cowan
Assistant General Counsel
DOH Prosecution Services Unit
4052 Bald Cypress Way, Bin C-65
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Florida Bar Number 0035536
(850) 245 - 4640 Telephone
(850) 245 - 4683 Facsimile

FILED

DEPARTMENT OF HEALTH
DEPUTY CLERK

CLERK: Sandra Soto

DATE: MAY 31 2011

/CLC

PCP: 5/26/11

PCP Members: Horne + Horton

Department of Health v. Jamie Lyn Raterink, R.N.
Case Number 2011-01193

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NOTICE OF RIGHTS

Respondent has the right to request a hearing to be conducted in accordance with Section 120.569 and 120.57, Florida Statutes, to be represented by counsel or other qualified representative, to present evidence and argument, to call and cross-examine witnesses and to have subpoena and subpoena duces tecum issued on his or her behalf if a hearing is requested.

NOTICE REGARDING ASSESSMENT OF COSTS

Respondent is placed on notice that Petitioner has incurred costs related to the investigation and prosecution of this matter. Pursuant to Section 456.072(4), Florida Statutes, the Board shall assess costs related to the investigation and prosecution of a disciplinary matter, which may include attorney hours and costs, on the Respondent in addition to any other discipline imposed.